## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:11-cv-660-GCM

NATIONAL UNION FIRE	)	
INSURANCE COMPANY OF	)	
PITTSBURGH, PA	)	
	)	
Plaintiff,	)	
	)	
<b>v.</b>	)	<b>ORDER</b>
	)	
OLD DOMINION FREIGHT	)	
LINE, INC.	)	
	)	
<b>Defendant and Counterclaim</b>	)	
Plaintiff,	)	
	)	
<b>v.</b>	)	
	)	
NATIONAL UNION FIRE	)	
INSURANCE COMPANY OF	)	
PITTSBURGH, PA	)	
	)	
Counterclaim Defendant.	)	
	)	

THIS MATTER is before the Court on National Union Fire Insurance Company of Pittsburgh, PA's ("National Union") Motion to Remand [D.I. 10], Old Dominion Freight Line, Inc.'s ("Old Dominion") Memorandum in opposition [D.I. 14], and National Union's Reply [D.I. 15]. The Motion to Remand has been fully briefed and is ripe for determination.

The Court holds that North Carolina state law governs National Union's claim for cargo damage regarding the intrastate motor carrier transport of the cargo of National Union's insured. The cause of action brought by National Union is not governed by any federal statute or federal common law, and the cause of action is not dependent on the resolution of a substantial issue of

federal law. Furthermore, the cause of action does not arise from a federal statute or from a federal common law principle. Therefore, this Court rules this it lacks subject matter jurisdiction over this case within the meaning of 28 U.S.C. § 1331.

Accordingly, it is hereby ORDERED that National Union's Motion to Remand this case to the Superior Court of Mecklenburg County, North Carolina is GRANTED.

IT IS SO ORDERED.

Signed: March 1, 2012

Graham C. Mullen

United States District Judge